



Indiana Coalition to **End Sexual Assault**

Engage. Educate. Empower.

Title IX and Clery Act 101

Connie Adams, Saint Mary's College

March 7, 2017

ICESA Campus Consortium
Sexual Violence
Prevention and Response
Webinar Series

Facilitated by Mahri Irvine, PhD

Welcome and Introductions

- Thanks for joining us!
- ICESA and the ICESA Campus Consortium
 - OWH Federal Grantee
 - Tracey Horth Krueger (Chief Executive Officer)
 - Mahri Irvine, PhD (Director of Campus Initiatives)
 - Alexandria Benifield, MPH (Evaluation Specialist)

This webinar is made possible with funding from grant number ASTWHI 60036-01-00 from the U.S. Department of Health and Human Services' Office on Women's Health, *College Sexual Assault Policy and Prevention Initiative*.



Indiana Coalition to
End Sexual Assault

Engage. Educate. Empower.

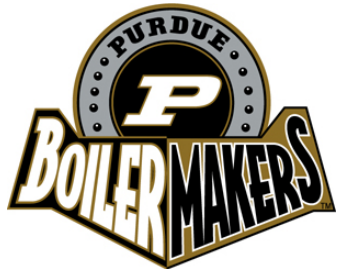
ICESA Campus Consortium



INDIANA *for* COMMISSION
HIGHER EDUCATION



DOMESTIC VIOLENCE NETWORK



IUPUC
PRIDE



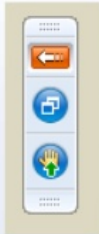
Indiana Coalition to
End Sexual Assault

Engage. Educate. Empower.

Webinar Technology

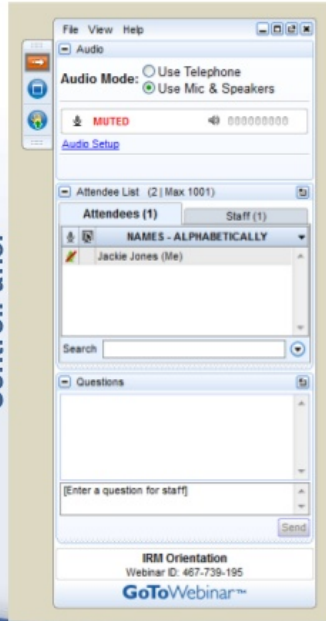
GoToWebinar® Attendee Controls

Grab Tab



- Click **arrow** to expand and collapse control panel
- Click **hand icon** to raise/lower hand

ControlPanel



Audio Pane

Use **Audio Setup** wizard to configure and test audio.

Attendee List

(if selected to display by organizer)

Question Pane

Enter questions here.

- Your mic is automatically muted
- No group chat feature
- Send your questions in the “Chat” box to Organizers and Panelist
- “Raise your hand” feature
- This webinar is being recorded
- 5 handouts

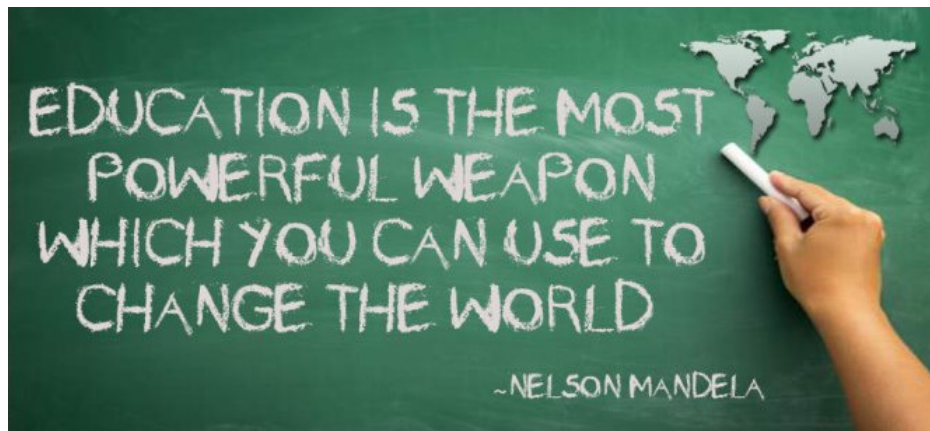


Indiana Coalition to
End Sexual Assault

Engage. Educate. Empower.

Relevance of This Topic

- Title IX guidance may be rescinded or changed...
... so why does this webinar still matter?
- Knowledge is important
 - *Knowledge is power*



<http://www.guard.me/news/wp-content/uploads/2015/10/55Quotes.com-Great-Learning-Change-Power-Education-world-Wisdom-Weapon-Nelson-Mandela-686x361.jpg>



Indiana Coalition to
End Sexual Assault

Engage. Educate. Empower.

Today's Presenter

Connie Adams

Director of the
Belles Against Violence Office,
Saint Mary's College

Follow Connie on Twitter
@_ConnieAdams



Indiana Coalition to
End Sexual Assault

Engage. Educate. Empower.

Title IX and Clery 101

***RESPONDING TO OUR STUDENTS
WITH COMPASSION WHILE
FULFILLING OUR OBLIGATIONS TO
PROMOTE A SAFE COMMUNITY***

**ICESA Campus Consortium
Sexual Violence Prevention and Response Webinar Series
Session I: February 14, 2017**

Hello, Colleagues and Friends!



Connie Adams, MSW, LCSW

- **Director**
Belles Against Violence Office
Saint Mary's College
Notre Dame, IN
cadams@saintmarys.edu
574.284.4081
- **Founder and Trainer**
CLA Training and Consulting
Mishawaka, IN
Constance.L.Adams@gmail.com

**“Very great change
starts from very
small conversations,
held among people
who care.”**

– Margaret Wheatley

Who is on the call?

Ground Rules

- Listen actively
- Speak from your own experience instead of generalizing
- Challenge the idea, not the person
- Participate fully
- Value honesty and openness
- Create a respectful and safe space



Objectives for Today

- Increase knowledge of sexual assault, dating/domestic violence, and stalking
- Gain a better understanding of federal legislation, specifically Title IX and the Clery Act
- Understand employee roles in reporting and responding to sexual violence



Important & Relevant Legislation

- Title IX of the Education Amendments of 1972
- Family Educational Rights and Privacy Act (FERPA) (1974)
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (Clery) Act (1990)
- Violence Against Women Act (VAWA) (1994, reauthorized 2000, 2013)
 - Campus Sexual Violence Elimination (SaVE) Act (2013)



Image taken from:
<https://www.pinterest.com/pin/84794405454920109/>

Discussion

What enervates you about
engaging students on
issues related to
interpersonal violence
and Title IX?

Discussion

What energizes you about engaging students on issues related to interpersonal violence and Title IX?

Basic Definitions



Defining Sexual Violence

- **Sexual Assault:** any sexual contact or activity which occurs without consent

What is consent?

Defining Consent

- **Consent is an:**
 - informed
 - decision
 - freely and
 - actively given through
 - explicit communication
 - a willingness to participate
 - in a mutually agreed upon sexual activity.

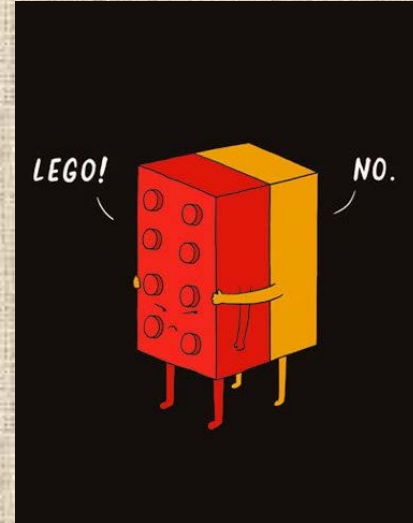


Image taken from:
<https://www.pinterest.com/pin/84794405457064245/>

Defining Consent Cont'd

- **Consent cannot be implied by or inferred from:**
 - Silence, passivity, or lack of active resistance alone;
 - Permission for another form of sexual activity;
 - A previous sexual, romantic or marital relationship; or
 - An existing sexual, romantic or marital relationship

Defining Relationship Violence

- **Relationship Violence:** a pattern of manipulative behavior aimed to gain power and control over an intimate and/or romantic partner
- Types of Abuse
 - Physical Abuse
 - Emotional/Verbal Abuse
 - Resource Abuse
 - Spiritual Abuse
 - Sexual Abuse/Assault



Defining Stalking

- **Stalking:** a course of conduct directed at a specific individual on two or more occasions that would cause a reasonable person to feel afraid or experience substantial emotional distress

Federal Legislation



Overview of Legislation & Guidance

- Title IX (1972)
- “Dear Colleague” Letter (OCR, 2011)
- Campus SaVE Act/VAWA 304 (2013)
- “Dear Colleague” Letter (OCR, 2013)
- Questions & Answers (OCR, 2014)

History of Title IX

Title IX of the Education Amendments of 1972:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”

Understanding Title IX

- Prohibits sex discrimination in any education program or activity which receives federal funds
- Promotes equity in the classroom and beyond
- Protects faculty, staff, AND students



Prevalence of Violence



Center for Disease Control and Prevention (2011), Stalking Resource Center (2012). The White House Council on Women and Girls (2014); Krebs et. Al. (2007); Lisak, D. (2011).

Statistics Relating to College-aged Individuals

- Females who are 20-24 years of age are at the greatest risk of nonfatal intimate partner violence.
- Women between the ages of 16-24 are at the greatest risk for sexual assault.
- 20-25% of college women and 6% of college men are sexually assaulted during their college years.
- 90% of college survivors know the person who sexually assaulted them.
- Women and men between the ages of 18-24 are at the greatest risk of experiencing stalking.

Centers for Disease Control (2010);
The White House Council on Women and Girls (2014);
Krebs et. Al. (2007); Lisak, D. (2011).

Statistics Relating to College-aged Individuals

Rates of stalking among college students exceed the prevalence rates found in the general population:

- 27% of women and 15% of men

- Fremouw, W.J. et al. (1997)

- 25% of women and 11% of men

- Bjerregaard, B. (2000)

- During one 9-month period, 13.1% of college women surveyed reported being stalked

- Fisher, B.S. et al. (2000)

Perpetrators of Violence

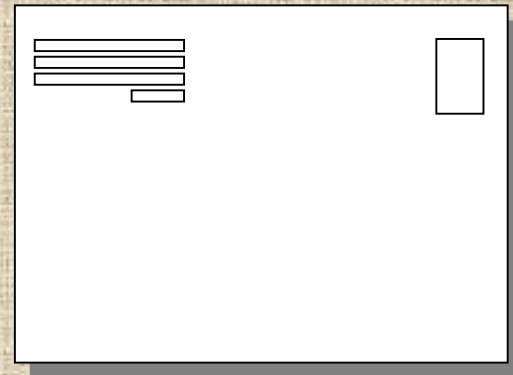
- Most victims/survivors know their assailants.
- The vast majority of perpetrators are male.
- Campus assailants are often serial offenders.
- Sex offenses are not reckless. They are at the very least knowing, and often intentional.
- Crossover offending is common.

Behavior of Perpetrators



“Dear Colleague” Letter

- Distributed April 4, 2011
- Clearly identified sexual harassment as a form of sex-based discrimination
- Defined sexual harassment and sexual violence
- Provided guidance for institutions regarding their response to sexual harassment



Title IX

```
graph TD; TitleIX[Title IX] --> EquityEmp[Equity in Employment within Educational Settings]; TitleIX --> SexualHarassment[Sexual Harassment]; TitleIX --> EquityAth[Equity in Athletics]; SexualHarassment --> SexualViolence[Sexual Violence]; SexualHarassment --> Other1[Other]; SexualViolence --> SexualCoercion[Sexual Coercion]; SexualViolence --> SexualBattery[Sexual Battery]; SexualViolence --> SexualAssault[Sexual Assault]; SexualViolence --> Rape[Rape];
```

Equity in Employment
within Educational
Settings

Sexual Harassment

Equity in Athletics

Other

Sexual Violence

Other

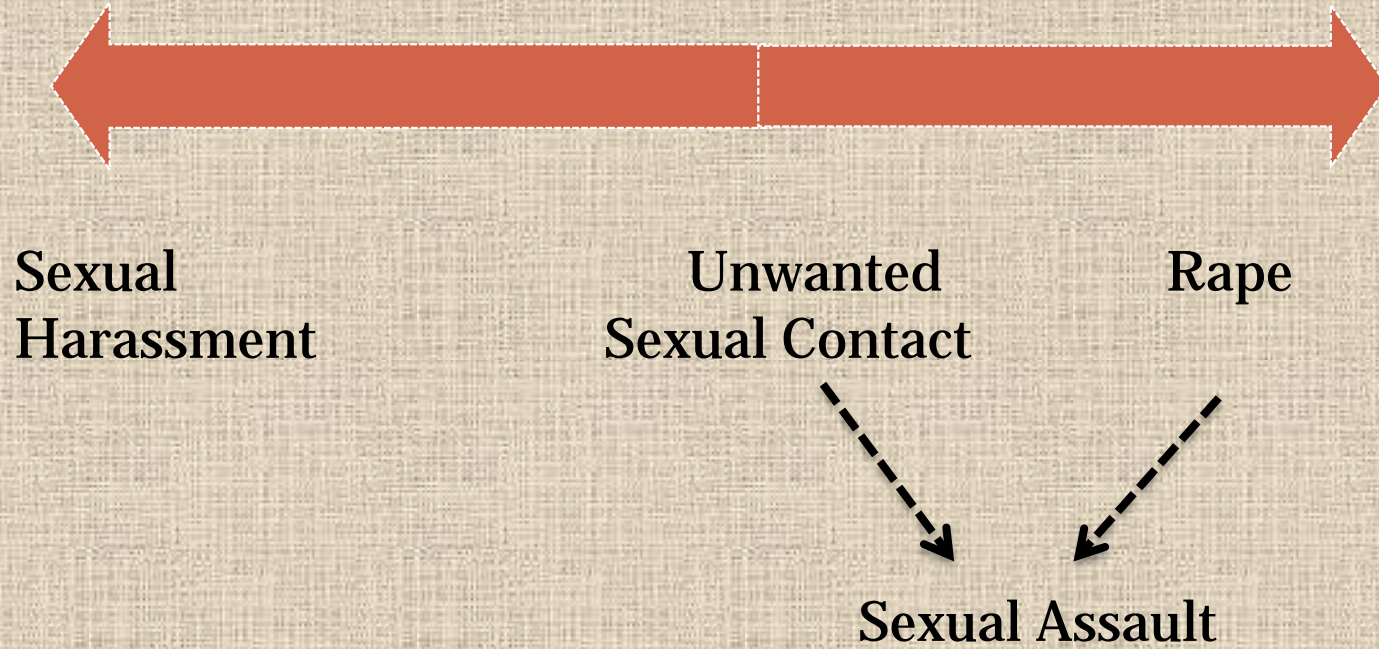
Sexual Coercion

Sexual Battery

Sexual Assault

Rape

Sexual Violence Continuum



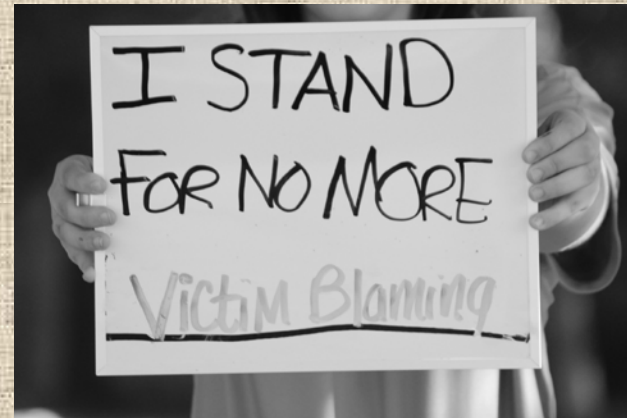
Institutional Responsibility

- **Personal Safety**
- **Community Safety**



Institutional Obligations

- Take prompt and effective steps to:
 - end the sexual violence,
 - prevent its recurrence, and
 - address its effects
- Take steps to protect the complainant and wider community
- Utilize equitable process
- Provide a grievance procedure to file complaints



Obligations Under Title IX

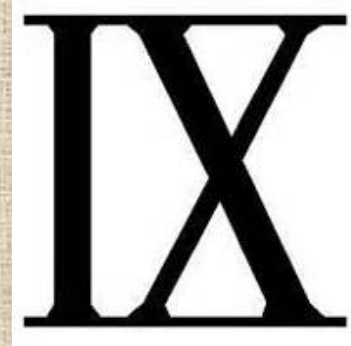
- Grievance procedures must use the *preponderance of evidence* standard to resolve complaints.
 - “50% + a feather”
- Notify both parties of the outcome of the complaint and appeal rights.
 - Complainant and Respondent have equal rights to notification
 - Each are informed of appeal rights and action of the other person

Title IX Coordinator

- A school “shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities” under the law, including the investigation of complaints 34 CFR section 106.8(a)
- A school shall “notify all its students and employees of the name, office address, and telephone number of the employee(s) appointed... 34 CFR section 106.8(a)

Responsibilities of Title IX Coordinator

- Design, oversight, distribution, and implementation of Title IX policies;
- Development and implementation of institution-wide educational programs, including Title IX training;
- Oversight of all Title IX complaints, including:
 - Grievance initiation
 - Interim measures (if necessary)
 - Grievance processing
 - Documentation and notice
 - Non-retaliation provisions



Reporting

**Designated
contacts for
students:**



Knowledge & Action

Responsible employee knows

=

Institution knows

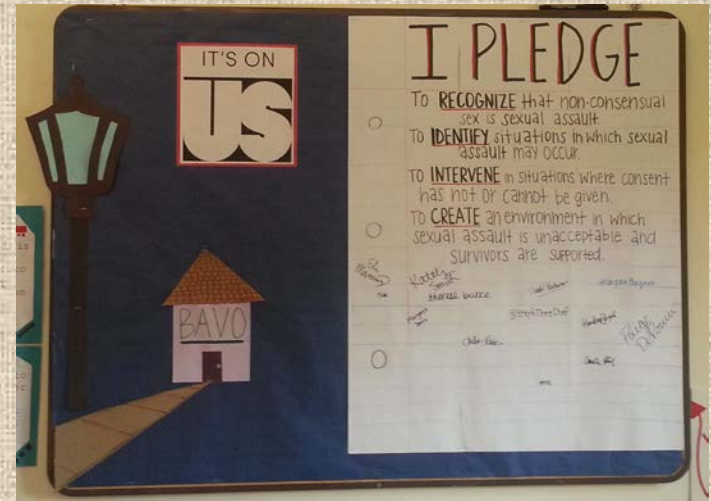
An Institution Knows When...

- Student discloses primary or secondary experience of violence to a responsible employee
- Student contacts a designated reporting contact to file a report
- Student files a formal report with Title IX Coordinator
- Third party discloses information to a responsible employee, designated reporting contact, or Title IX officer
- Student reports to campus public safety/law enforcement
- Responsible employee witnesses harassment, violence, or abuse
- Responsible employee overhears a conversation regarding an incident of harassment, violence, or abuse
- Responsible employee learns of harassment, violence, or abuse via print, social media, public media, video, etc.

Reporting

What MUST responsible employees do?

- If they learn of an act of sexual violence or misconduct, the institution has been “placed on notice” per Title IX.
- **Must report** information to Title IX Officer.



Basic Rule of Thumb



Content to Include in Report

- Include the following information if disclosed:
 - Name of victim/survivor
 - Name of perpetrator(s)
 - ✦ Affiliation with another institution
 - Date of incident
 - Time of incident
 - Location of incident
 - Basic description of incident

What Must Be Reported?



Rape

Hostile Environment

Stalking

Gender Violence

Sexual Assault

Sexual Harassment

Sexual Misconduct

Domestic Violence

Quid Pro Quo Harassment

Sexual Exploitation

Relationship Violence

Dating Violence

Sexual Violence

Remedies to Consider

- Developing materials on sexual violence
- Conducting bystander intervention and prevention programs
- Conducting a campus climate check to assess the effectiveness of efforts

Institutional Obligations Cont'd

- “In addition to ensuring full compliance with Title IX, schools should take proactive measures to prevent sexual harassment and violence.”

Retaliation

- [P]rohibits retaliation against anyone who either:
 - opposes unlawful discrimination,
 - assists or participates in an investigation of a complaint of discrimination, or
 - exercises that person's rights under any law that forbids discrimination.

Overview: The Jeanne Clery Act



Campus Crime Data

The Jeanne Clery Act, a consumer protection law passed in 1990, requires all colleges and universities who receive federal funding to share information about crime on campus and their efforts to improve campus safety as well as inform the public of crime in or around campus. This information is made publicly accessible through the university's annual security report.



Support for Victims

Under the Act, institutions must provide survivors of sexual assault, domestic violence, dating violence, and stalking with options such as changes to academic, transportation, or living, or working situations, and assistance in notifying local law enforcement, if the student or employee chooses to do so. It also provides both parties in a campus disciplinary process certain rights.



Policies & Procedures

Colleges and universities must outline specific policies and procedures within their annual security reports, including those related to disseminating timely warnings and emergency notifications, options for survivors of sexual assault, domestic violence, dating violence, and stalking, and campus crime reporting processes.

Campus SaVE Act

- Transparency
- Accountability
- Education
- Collaboration

Campus SaVE Act: Required Education

- 1) Education for incoming students and new employees
- 2) Ongoing prevention and awareness campaigns
- 3) Annual training for officials conducting investigations and hearings



Campus SaVE Act: Education Requirements

- Statement prohibiting sexual violence, dating/domestic violence, and stalking
- Definition of each form of violence
- Definition of consent
- Signs of abusive behavior
- Procedures following an incident report
- Possible sanctions & protective measures following disciplinary procedure
- Bystander intervention
- Risk reduction

Summary: Programming Content

- Statement prohibiting violence
- Title IX overview
- Definitions of each form of violence and consent
- Effects of trauma and role of alcohol and drugs
- Signs of abusive relationships
- Policies and disciplinary procedures
- Consequences of violating these policies and grievance procedures
- Possible sanctions & protective measures following disciplinary procedure
- Encouragement of reporting
- Primary concern of student safety
- Reporting options and processes and protections against retaliation
- Available resources and services
- Bystander intervention
- Risk reduction

Office for Civil Rights (2011, 2014). 42 U.S.C.

Summary: Programming Categories

- New and incoming students
- National initiatives
- General education and awareness programming:
 - Policy, procedure, reporting, and resource education
 - Basic information (i.e. warning signs, statistics, definitions)
- Primary prevention (i.e. bystander intervention, engaging men)
- Risk reduction (self-defense classes, individual tips)
- Passive programming (stall news, poster campaigns, social media)
- Campus climate assessment

Not Alone Report

- Campus climate surveys
- Primary Prevention
 - Bystander intervention
 - Engaging men
- Effective responses and support
- Transparency



The White House Task Force to Protect
Student from Sexual Assault (2014)

Addressing Effects of Violence





ADDITIONAL NOTES

Privacy and Confidentiality

Privacy

vs.

Confidentiality

Delayed and Underreporting

- Fear of not being believed
- Self-blame
- Alcohol use – underage
- Don't view ongoing risk to others
- Fear for personal safety
- Fear for retaliation
- Concern for losing social network
- Trauma is too overwhelming or desire to forget
- Lack of memory of incident
- Fear of being identified as LGBT

“One of the most valuable things we can do to heal one another is listen to each other’s stories.”

- Rebecca Falls

National Resources

Rape, Abuse, and Incest National Network (RAINN)

24/7 Phone: 1-800-656-HOPE (4673)

Website: <https://ohl.rainn.org/online/>

National Domestic Violence Hotline

24/7 Phone: 1-800-799-SAFE (7233)

Additional Resources on Title IX and Clery

www.aauw.org

www.acha.org/Publications/Guidelines_WhitePapers.cfm

www.titleix.info

www.knowyourix.com

www.clerycenter.org

www.cleryact.info

www.preventipv.org/materials

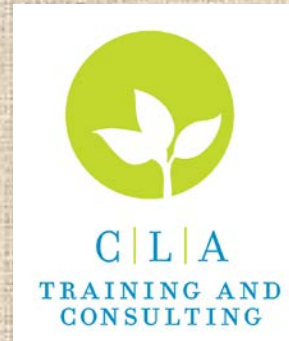
CAPPA
CAMPUS ADVOCATES AND PREVENTION
PROFESSIONALS ASSOCIATION

Questions & Answers

Thank You!

Connie Adams, MSW, LCSW

- **Director**
Belles Against Violence Office
Saint Mary's College
Notre Dame, IN
cadams@saintmarys.edu
574.284.4081
- **Founder and Trainer**
CLA Training and Consulting
Mishawaka, IN
Constance.L.Adams@gmail.com
@_ConnieAdams



Resources

- 42 U.S.C. sections 13701 through 14040 (2013)
- Title 34 Education (1972). *Part 106 nondiscrimination on the basis of sex in education programs or activities receiving federal financial assistance*. Retrieved from <http://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html>.
- Banyard, V., Cohn, E., Edwards, K., Moynihan, M. M., Walsh, W., & Ward, S. (2012). *Unwanted Sexual Experiences, Stalking, and Physical Relationship Violence: Six-Month Incidences Among University and College Students in New England*. University of New Hampshire
- Center for Disease Control and Prevention (2010). *The National Intimate Partner and Sexual Violence Survey* (<http://www.cdc.gov/violenceprevention/nisvs/>).
- Central Michigan University (2010). *Procedures for Addressing and Responding to Student Sexual Aggression Incidents*
- Jackson State University (2015). *Statement of victim's/complainant's rights*. Retrieved from <http://www.jsu.edu/studentaffairs/title-ix/victim-rights.html>
- Know Your Title IX (n.d.). *Title IX in detail*. Retrieved from <http://knowyourix.org/title-ix/title-ix-in-detail/>.
- Lisak, D. (2011). *Understanding the Predatory Nature of Sexual Violence*. Civic Research Institute
- Lisak, D. (n.d.). *The Undetected Rapist*. Film.

Resources

- Krebs, C., Lindquist, C., Warner, T., Fisher, B., & Martin, S. (2007). The Campus Sexual Assault Study. National Institute of Justice.
- Krebs, C., Lindquist, C., Warner, T., Fisher, B., & Martin, S. (2010). Campus sexual assault (CSA) study, final report. US Dept. of Justice, National Institute of Justice. RTI International.
- Office for Civil Rights, U.S. Department of Education (2011). Dear Colleague Letter: Sexual Violence. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>.
- Office for Civil Rights, U.S. Department of Education (2014). Questions and Answers on Title IX and Sexual Violence. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.
- U.S. Department of Education (2011). Dear Colleague Letter: Sexual Violence.
- The White House Council on Women and Girls (2014). Rape and Sexual Assault: A Renewed Call to Action
- The White House Task Force to Protect Students from Sexual Assault (2014). Not Alone: The First Report of the White House Task Force to Protect Students from Sexual Assault.

Thank You!

- Please complete the survey you will receive via email
- Join us for our upcoming webinars
 - Alcohol and Sexual Assault (March 21)
 - Engaging Men in Sexual Violence Prevention (April 26)
- Trainings and conference
 - April 10 – 11 (statewide general conference)
 - September 6 – 7 (statewide campus-focused conference)



Indiana Coalition to
End Sexual Assault

Engage. Educate. Empower.